

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

MICHAEL MOMENT, #454279; 1109451,

Plaintiff,

v.

RICHARD DOVEY, Warden,

Defendant.

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Civil Action No. PWG-17-802

MEMORANDUM OPINION


On March 20, 2017, Plaintiff Michael Moment filed this Complaint and a Motion to Proceed in Forma Pauperis. ECF Nos. 1, 2. Defendant is Warden at the Maryland Correctional Training Center in Hagerstown, Maryland (“MCTC-H”). Moment states that on February 23, 2017, he informed Defendant that he was being illegally incarcerated. Compl. 3. Moment also claims he was held in orientation lockup for five days during which time he was denied medical care. *Id.* Moment does not specify what care he allegedly needed and was denied, or whether he suffered any injury as a result. Moment has since been transferred from MCTC-H to the Maryland Correctional Institution-Jessup. *See* <http://www.dpscs.state.md.us/inmate/search> (accessed March 28, 2017). Moment requests a hearing and \$5 million from the Warden for “refusing to act on the illegal imprisonment and the denying of medical care.” *Id.*

Moment has “three strikes” under the provisions of the Prison Litigation Reform Act, 28 U.S.C. § 1915(g), and is barred from filing cases unless he pays the filing fee or demonstrates that he is in “imminent danger of serious physical injury.” *Id.*; *see also Moment v. Dwight Dave Jackson*, Civil Action No. PWG-16-4040 (D. Md. February 15, 2017) (assigning Moment’s third “strike” under 28 U.S.C. § 1915(g)); *Moment v. Danai*, Civil Action No. PWG-16-3976 (D. Md. February 15, 2017) (assigning Moment’s second “strike” under 28 U.S.C. § 1915(g)); *Moment v.*

Mortel, Civil Action No. PWG-16-3966 (assigning Moment's first "strike" under 28 U.S.C. §1915(g)).

Moment's allegations are premised on incidents which occurred prior to his transfer and fail to suggest that he is in imminent danger of serious physical injury. He presents no cause to excuse him from paying the \$400.00 filing fee as required under 28 U.S.C. §1915(g). Accordingly, I will dismiss this case without prejudice by separate order.

March 28, 2017
Date



Paul W. Grimm
United States District Judge